

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

January 7, 2010

Elisabeth A. Shumaker
Clerk of Court

DOUGLAS QUINNEY,

Plaintiff – Appellant,

v.

SWIRE COCA-COLA USA,

Defendant – Appellee.

No. 09-4118

(D.C. No. 2:07-CV-00788-PMW)

ORDER

Before **KELLY** and **GORSUCH**, Circuit Judges.

This matter is before the court on Appellant's Motion for Extension of Time to File Appellant Brief. The motion is denied. The captioned appeal is dismissed for lack of prosecution pursuant to 10th Cir. R. 42.1.

A copy of this order shall stand as and for the mandate of this court.

Entered for the Court,



ELISABETH A. SHUMAKER, Clerk